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CALIFORNIA LEGISLATURE—1999–2000 REGULAR SESSION

ASSEMBLY BILL

No. 1039

Introduced by Assembly Member Aroner

February 25, 1999

An act to amend Sections 11320.1, ~~11322.6, 11322.8,~~ 11322.9, 11324.8, 11325.21, 11325.23, 11454, ~~11477.02,~~ 18242, 18243, and 18247 of, to add ~~—Section 11322.95~~ *Sections 11322.95 and 11477.03* to, and to repeal Section 18246 of, the Welfare and Institutions Code, relating to human services.

LEGISLATIVE COUNSEL'S DIGEST

AB 1039, as amended, Aroner. CalWORKs program.

Existing federal law provides for allocation of federal funds through the federal Temporary Assistance for Needy Families (TANF) block grant program to eligible states. Existing law provides for the CalWORKs program for the allocation of federal funds received through the TANF program, under

which each county provides cash assistance and other benefits to qualified low-income families.

Existing law requires, as a condition of receipt of aid benefits under the CalWORKs program, that the recipient participate in certain welfare-to-work activities, and requires that an adult participant in a one-parent household shall participate in welfare-to-work activities for a specified number of hours each week, unless otherwise exempt.

Under existing law, a parent or caretaker relative is not eligible to receive aid under the CalWORKs program for a cumulative period of more than 18 months, or in certain cases, 24 months, after the individual signs, or refuses, without good cause, to sign a welfare-to-work plan, unless it is certified by the county that there is no job currently available for the recipient and the recipient participates in community service activities.

Existing law provides that counties may provide for community service activities for individuals who have not completed that period and who are not employed in unsubsidized employment, sufficient to meet the required minimum number of hours of participation in welfare-to-work activities.

This bill would authorize the Director of Social Services to approve ~~up to 5~~ demonstration counties to provide subsidized employment as an alternative to community service activities, subject to certain conditions.

This bill would require counties to pay an assistance payment to participants in wage-based employment in an amount equal to the wages for hours not worked by the participant. This bill would limit that payment to a period of one month and would be paid if the participant fails to satisfy the required hours of work in a single month for reasons constituting good cause.

Existing law requires that any individual who is required to participate in welfare-to-work activities under the CalWORKs program must enter into a written welfare-to-work plan with the county welfare department after assessment, and requires that the plan shall include the activities and services that will move the individual into employment.



Existing law provides that an applicant for, or a recipient of, aid under the CalWORKs program who is dissatisfied with the provisions of the welfare-to-work plan may seek redress through the independent assessment process or the state hearing or county grievance process.

This bill would require that at the time an individual applies for aid under this chapter, or at the time a recipient's eligibility for aid is determined, the county shall provide the individual, in writing and orally as necessary, with certain program information, including a description of the right of the applicant or recipient to contest the terms of the welfare-to-work plan.

Existing law requires, as a condition of receiving aid under the CalWORKs program, that the recipient participate in certain welfare-to-work activities, but specifies that any student who, at the time he or she is required to participate is enrolled in any undergraduate degree or certificate program that leads to employment may continue in that program for a limited period if he or she is making satisfactory progress in that program if the county determines that continuing in the program is likely to lead to self-supporting employment for that recipient, and the welfare-to-work plan reflects that determination.

Existing law also requires that if participation in educational or vocational training, as determined by the number of hours required for classroom, laboratory, or internship activities, is not at least 32 hours, the county shall require concurrent participation in work activities.

This bill would revise that requirement to require that the number of hours required in educational or vocational training include attendance at or preparation for those activities, and would specify that preparation time shall be presumed to be 2 hours for each hour of instruction. The bill would also expand the scope of activities in which a participant whose educational or training activities do not meet federal or state participation requirements, which must be required by the county to meet federal requirements and which may be required by the county to meet state standards.

This bill would also provide that if an individual is enrolled in an education or training program at the time he or she is

required to participate in the welfare-to-work activities and the county determines that his or her welfare-to-work plan should contain other activities instead of the education or training program, the county shall notify him or her in writing of its determination and inform him or her of the right to appeal the decision, and would declare that provision is declaratory of existing law.

By expanding the duties of counties in the administration of the welfare-to-work activities under the CalWORKs program this bill would result in a state-mandated local program.

Existing law requires recipients of benefits under the CalWORKs program to cooperate with the district attorney in the determination of paternity for purposes of collecting child support, and if the parent is determined not to have cooperated, the applicant's or recipient's family grant is required to be reduced by 25% during the period of noncooperation and requires that child support services for the noncooperating individual be suspended.

This bill would include applicants, recipients, and former recipients with welfare arrearages within the scope of that requirement.

Existing law authorizes the State Department of Social Services to approve demonstration projects in up to 3 counties to test models of child support assurance, and specifies that one of the projects shall conform to a specified design, and provides for the funding of the projects from funds continuously appropriated for the CalWORKs program.

This bill would recast that provision to authorize the approval of up to 3 child support assurance demonstration projects, and would eliminate the requirement that one of the projects conform to a specified design.

Existing law requires the State Department of Social Services to develop research designs to ensure thorough evaluation of the child support assurance demonstration projects that include various factors, including the impact of welfare-to-work participation rates of custodial parents, CalWORKs participation rates and costs, paternity and child support order establishment, and other relevant information.

This bill would recast that requirement and increase the scope of factors that must be included in the research designs.



Existing law provides that the state share of child support assurance payments under the child support assurance demonstration project shall be paid in accordance with the continuously appropriated funding of the CalWORKs program.

This bill would specify that the State Department of Social Services, to the extent possible, shall ensure that no funding streams will be utilized to pay for child support assurance payments if use of the funding streams would cause participants to be subject to the limitations imposed on the CalWORKs program that a parent or caretaker relative shall not be eligible to receive aid for a cumulative period of more than 18 months after the individual signs, or refuses, without good cause, to sign a welfare-to-work plan, unless it is certified by the county that there is no job currently available for the recipient and the recipient participates in community service activities.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 11320.1 of the Welfare and
2 Institutions Code is amended to read:
3 11320.1. Subsequent to the commencement of the
4 receipt of aid under this chapter, the sequence of
5 employment related activities required of participants
6 under this article, unless exempted under Section 11320.3,
7 shall be as follows:

1 (a) Job search. Recipients shall, and applicants may,
2 at the option of a county and with the consent of the
3 applicant, receive orientation to the welfare-to-work
4 program provided under this article, receive appraisal
5 pursuant to Section 11325.2, and participate in job search
6 and job club activities provided pursuant to Section
7 11325.22.

8 (b) Assessment. If employment is not found during
9 the period provided for pursuant to subdivision (a), or at
10 any time the county determines that participation in job
11 search for the period specified in subdivision (a) of
12 Section 11325.22 is not likely to lead to employment, the
13 participant shall be referred to assessment, as provided
14 for in Section 11325.4. Following assessment, the county
15 and the participant shall develop a welfare-to-work plan,
16 as specified in Section 11325.21. The plan shall specify the
17 activities provided for in Section 11322.6 to which the
18 participant shall be assigned, and the supportive services,
19 as provided for pursuant to Section 11323.2, with which
20 the recipient will be provided.

21 (c) Work activities. A participant who has signed a
22 welfare-to-work plan pursuant to Section 11325.21 shall
23 participate in work activities until he or she has received
24 aid for the period specified in subdivision (a) of Section
25 11454. If, after the period specified in paragraph (1) of
26 subdivision (a) of Section 11454, the participant has not
27 obtained unsubsidized employment, the county may
28 extend the welfare-to-work plan by up to six months if the
29 county determines that the extension is likely to lead to
30 unsubsidized employment or if local unemployment or
31 other conditions in the local economy are such that
32 employment is not available. If a recipient has received
33 aid for the period specified in subdivision (a) of Section
34 11454 and returns to aid after a break in aid of at least one
35 month, the county shall determine whether to require
36 the recipient to participate in welfare-to-work activities
37 or in community service.

38 (d) Community service and subsidized employment.

39 (1) If a participant has received aid for the period
40 specified in subdivision (a) of Section 11454, and the

1 participant has not found unsubsidized employment
2 sufficient to meet the hours of participation required by
3 Section 11322.8 and the county has certified that no job is
4 available for that participant, the participant shall remain
5 eligible for aid under this chapter only if he or she
6 participates in community service activities ~~or subsidized~~
7 ~~employment pursuant to Section 11322.9 or subsidized~~
8 ~~employment for participants in approved demonstration~~
9 ~~projects pursuant to Section 11322.9 or 11322.95.~~

10 (2) The county shall provide community service
11 activities or other work activities ~~assignments~~ as
12 described in Section 11322.9, ~~and or counties that are~~
13 ~~approved to participate in a demonstration project~~
14 ~~pursuant to Section 11322.95 may offer subsidized~~
15 ~~employment as described in Section 11322.95 that section.~~

16 (3) An individual may participate in ~~community~~
17 ~~service activities or a combination of community service~~
18 ~~activities and subsidized employment as provided in~~
19 ~~Section 11322.95 activities pursuant to Section 11322.9, or~~
20 ~~a participant in a demonstration project approved under~~
21 ~~Section 11322.95 may participate in activities pursuant to~~
22 ~~Sections 11322.9 and 11322.95, subject to the limitations~~
23 ~~provided in those sections, until he or she has received aid~~
24 ~~for a total of 60 months.~~

25 ~~SEC. 1.1. Section 11322.6 of the Welfare and~~
26 ~~Institutions Code is amended to read:~~

27 ~~11322.6. The welfare-to-work plan developed by the~~
28 ~~county welfare department and the participant pursuant~~
29 ~~to this article shall provide for welfare-to-work activities.~~
30 ~~Welfare-to-work activities may include, but are not~~
31 ~~limited to, any of the following:~~

32 ~~(a) Unsubsidized employment.~~

33 ~~(b) Subsidized private sector employment.~~

34 ~~(c) Subsidized public sector employment.~~

35 ~~(d) Work experience, which means public or private~~
36 ~~sector work that shall help provide basic job skills,~~
37 ~~enhance existing job skills in a position related to the~~
38 ~~participant's experience, or provide a needed community~~
39 ~~service that will lead to employment. Unpaid work~~
40 ~~experience shall be limited to 12 months, unless the~~

~~1 county welfare department and the recipient agree to~~
~~2 extend this period by an amendment to the~~
~~3 welfare-to-work plan. The county welfare department~~
~~4 shall review the work experience assignment as~~
~~5 appropriate and make revisions as necessary to ensure~~
~~6 that it continues to be consistent with the participant's~~
~~7 plan and effective in preparing the participant to attain~~
~~8 employment.~~

~~9 (e) On the job training.~~

~~10 (f) Grant-based on-the-job training, which means~~
~~11 public or private sector employment or on the job~~
~~12 training in which the recipient's cash grant, or a portion~~
~~13 thereof, or the aid grant savings resulting from~~
~~14 employment, is diverted to the employer as a wage~~
~~15 subsidy to partially or wholly offset the payment of wages~~
~~16 to the participant. Grant-based on-the-job training shall~~
~~17 include community service positions pursuant to Section~~
~~18 11322.9 and subsidized employment pursuant to Section~~
~~19 11322.95.~~

~~20 (g) Supported work or transitional employment,~~
~~21 which means forms of grant-based on-the-job training in~~
~~22 which the recipient's cash grant, or a portion thereof, or~~
~~23 the aid grant savings from employment, is diverted to an~~
~~24 intermediary service provider, to partially or wholly~~
~~25 offset the payment of wages to the participant.~~

~~26 (h) Work-study.~~

~~27 (i) Self-employment.~~

~~28 (j) Community service.~~

~~29 (k) Adult basic education, which shall include reading,~~
~~30 writing, arithmetic, high school proficiency, or general~~
~~31 educational development certificate of instruction, and~~
~~32 English-as-a-second-language. Participants under this~~
~~33 subdivision shall be referred to appropriate service~~
~~34 providers that include, but are not limited to, educational~~
~~35 programs operated by school districts or county offices of~~
~~36 education that have contracted with the Superintendent~~
~~37 of Public Instruction to provide services to participants~~
~~38 pursuant to Section 33117.5 of the Education Code.~~

~~39 (l) Job skills training directly related to employment.~~

1 ~~(m) Vocational education and training, including, but~~
2 ~~not limited to, college and community college education,~~
3 ~~adult education, regional occupational centers, and~~
4 ~~regional occupational programs.~~

5 ~~(n) Job search and job readiness assistance, which~~
6 ~~means providing the recipient with training to learn job~~
7 ~~seeking and interviewing skills, to understand employer~~
8 ~~expectations, and learn skills designed to enhance an~~
9 ~~individual's capacity to move toward self-sufficiency.~~

10 ~~(o) Education directly related to employment.~~

11 ~~(p) Satisfactory progress in secondary school or in a~~
12 ~~course of study leading to a certificate of general~~
13 ~~educational development, in the case of a recipient who~~
14 ~~has not completed secondary school or received such a~~
15 ~~certificate.~~

16 ~~(q) Mental health, substance abuse, and domestic~~
17 ~~violence services, described in Sections 11325.7 and~~
18 ~~11325.8 and Article 7.5 (commencing with Section 11495),~~
19 ~~that are necessary to obtain and retain employment.~~

20 ~~(r) Other activities necessary to assist an individual in~~
21 ~~obtaining unsubsidized employment.~~

22 ~~Assignment to an educational activity identified in~~
23 ~~subdivisions (k), (m), (o), and (p) shall be limited to~~
24 ~~those situations in which the education is needed to~~
25 ~~become employed. Hours of participation shall include~~
26 ~~preparation time as described in subparagraph (C) of~~
27 ~~paragraph (3) of subdivision (a) of Section 11325.23.~~

28 ~~SEC. 1.5. Section 11322.8 of the Welfare and~~
29 ~~Institutions Code is amended to read:~~

30 ~~11322.8. (a) Unless otherwise exempt, and except as~~
31 ~~provided in Section 11322.95, an adult recipient in a~~
32 ~~one-parent assistance unit shall participate in~~
33 ~~welfare-to-work activities for 20 hours each week~~
34 ~~beginning January 1, 1998, 26 hours each week beginning~~
35 ~~July 1, 1998, and 32 hours each week beginning July 1,~~
36 ~~1999, and thereafter. In no event shall the adult recipient~~
37 ~~participate in welfare-to-work activities less than the~~
38 ~~required hours of participation under Section 407 of the~~
39 ~~federal Social Security Act (42 U.S.C. Sec. 607) and any~~
40 ~~subsequent amendments thereto, for the entire time~~

~~period on aid. A county retains the option to require all recipients or individual recipients to participate in welfare-to-work activities in excess of the minimum number of hours specified in this subdivision, up to 32 hours each week.~~

~~(b) Unless otherwise exempt, an adult recipient who is an unemployed parent, as defined in Section 11201, shall participate in at least 35 hours of welfare-to-work activities each week that will meet the required hours of participation under Section 407 of the federal Social Security Act (42 U.S.C. Sec. 607) and any subsequent amendments thereto. However, both parents in a two-parent assistance unit may contribute to the 35 hours, if provided in federal law as meeting the federal work participation requirements and if at least one parent meets the federal one-parent work requirement applicable on January 1, 1998. To be eligible for federally funded child care under Article 15.5 (commencing with Section 8350) of Chapter 2 of Part 6 of the Education Code, both parents shall participate in work activities that will meet the required hours of participation under Section 407 of the federal Social Security Act (42 U.S.C. Sec. 607) and any subsequent amendments thereto.~~

SEC. 1.8. Section 11322.9 of the Welfare and Institutions Code is amended to read:

11322.9. (a) In accordance with the requirements of this section:

(1) Counties may provide for community service activities for individuals who have not completed the period specified in subdivision (a) of Section 11454 and are not employed in unsubsidized employment, sufficient to meet the hours of participation required by Section 11322.8.

(2) Counties shall provide for community service activities for individuals who have completed the period as specified in subdivision (a) of Section 11454, who cannot find unsubsidized employment sufficient to meet the hours of participation required by Section 11322.8, and the county certifies that no job is currently available to fulfill the hours required by Section 11322.8, and who

1 continue to meet the financial eligibility criteria for aid
2 under this chapter.

3 (b) Community service activities shall meet all of the
4 following criteria:

5 (1) Be performed in the public and private nonprofit
6 sector.

7 (2) Provide participants with job skills that can lead to
8 unsubsidized employment.

9 (3) Comply with the antidisplacement provisions
10 contained in Section 11324.6.

11 (c) Participants in community service activities shall
12 do all of the following:

13 (1) Participate in a community service activity for the
14 number of hours required by Section 11322.8, unless
15 fewer hours of community service participation are
16 required by federal law.

17 (2) Participate in other work activities, ~~including~~
18 ~~those who have reached both before and after~~ the time
19 limits specified in Section 11454, for the number of hours
20 equal to the difference between the hours of
21 participation in community service *required under*
22 *paragraph (1) of subdivision (c)* and the number of hours
23 of participation required under Section 11322.8.

24 (d) The county plan pursuant to Section 10531 shall
25 include a component, developed by the county in
26 collaboration with local private sector employers, local
27 education agencies, county welfare departments,
28 organized labor, recipients of aid under this chapter, and
29 government and community-based organizations
30 providing job training and economic development, in
31 order to identify all of the following:

32 (1) Unmet community needs that could be met
33 through community service activities.

34 (2) The target population to be served.

35 (3) Entities responsible for project development,
36 fiscal administration, and case management services.

37 (4) The terms of community service activities, that, to
38 the extent feasible, shall be temporary and transitional,
39 and not permanent.

1 (5) Supportive efforts, including job search,
2 education, and training, which shall be provided to
3 participants in community service activities.

4 (e) Aid under this chapter for any participant who fails
5 to comply with the requirements of this section without
6 good cause shall be reduced in accordance with Section
7 11327.5.

8 (f) Child care as a supportive service shall be provided
9 to participants in community service activities pursuant
10 to Article 15.5 (commencing with Section 8350) of
11 Chapter 2 of Part 6 of the Education Code, and Section
12 11323.2. Other supportive services may be provided by
13 the county at the county's option. However, if the county
14 does not provide mental health services pursuant to
15 Section 11325.7, the county shall indicate in its county
16 plan under Chapter 1.3 (commencing with Section
17 10530) how mental health services needed by
18 participants will be made available during participation
19 in a community service job.

20 SEC. 2. Section 11322.95 is added to the Welfare and
21 Institutions Code, to read:

22 11322.95. ~~The Notwithstanding any other provision of~~
23 ~~law, the~~ director may approve ~~up to five~~ demonstration
24 projects in ~~which selected counties may~~ counties to
25 provide subsidized employment in the private or public
26 sector after the period specified in subdivision (a) of
27 Section 11454, as an alternative to community service
28 activities pursuant to Section 11322.9, subject to the
29 following conditions:

30 (a) Wages paid pursuant to this section shall be
31 supplemented by a stipend of ninety dollars (\$90) per
32 month for mandatory payroll deductions and other work
33 expenses instead of the income disregards set forth in
34 Section 11451.5. The stipend shall not be considered
35 income for the purposes of CalWORKs eligibility or
36 benefits.

37 (b) Subsidized employment assigned after the time
38 limits specified in Section 11454 shall not exceed one year
39 in duration, unless a county agrees to extend the time in

1 subsidized employment after an assessment of the
2 appropriateness of continued participation.

3 (c) Participants in subsidized employment shall be
4 allowed to accrue the same amount of sick leave or family
5 leave per month that the employer offers to other
6 comparable employees. Hours of sick leave and family
7 leave authorized by the employer and hours that a
8 participant cannot work because of employer recognized
9 holidays shall be counted toward the participants' weekly
10 participation hours under Section 11322.8.

11 (d) Participants in subsidized employment shall be
12 considered employees for all purposes, and shall be
13 compensated at no less than the higher of the state or
14 federal minimum wage.

15 (e) Subsidized employment shall consist of a
16 minimum of 24 hours per week, which may be increased
17 to 32 hours per week at county option. When the hours of
18 subsidized work result in fewer hours than those required
19 to be counted toward the federal work participation rate,
20 counties shall assign other activities authorized under
21 Section 11322.6 until the federal hourly requirements are
22 met. When the number of hours satisfy the federal
23 standard but are fewer than those set forth in Section
24 11322.8, counties may assign other activities under
25 Section 11322.6 to satisfy the requirement of that section,
26 consistent with the federal Fair Labor Standards Act of
27 1938 (Chapter 8 (commencing with Section 201) of Title
28 29 of the United States Code).

29 (f) Counties shall arrange for participants in
30 subsidized employment to apply and qualify for the
31 earned income tax credit and its advance payment
32 option.

33 (g) (1) Participants in subsidized employment who
34 fail to satisfy the required hours of work in a single month
35 for reasons constituting good cause, as specified in
36 subdivision (f) of Section 11320.3, shall be paid ~~an~~
37 ~~assistance payment in~~ an amount equal to the wages not
38 received for the hours not worked. *For CalWorks*
39 *eligibility and grant determination, this payment shall be*

1 *treated in the same manner as wages paid pursuant to this*
2 *section.*

3 (2) Participants in subsidized employment who fail to
4 satisfy the required hours of work in two months,
5 counting allowed hours of sick and family leave, whether
6 or not the failure is due to reasons constituting good cause,
7 shall be reassigned to community service or a
8 welfare-to-work activity other than subsidized
9 employment.

10 (3) In no event shall the failure to meet the hourly
11 work requirements result in a payment of wages or
12 assistance payments, including the stipend authorized in
13 subdivision (a), which are less than the amount paid
14 pursuant to Section 11327.5.

15 (h) Wages paid to participants pursuant to this section
16 shall be paid by the employer or an entity other than the
17 county.

18 (i) Counties may fund the wages for subsidized
19 employment through any combination of the single
20 allocation to counties, any other funds or grant diversion.
21 For purposes of this subdivision, “grant diversion” means
22 public or private sector employment in which the
23 recipient’s grant, or a portion thereof, or the aid grant
24 savings resulting from employment, is diverted to the
25 employer as a wage subsidy to partially or wholly offset
26 the payment of wages to the participant.

27 (j) Counties using subsidized employment shall
28 monitor the retention of participants as permanent
29 employees by employers participating in subsidized
30 employment, and shall cancel the participation of
31 employers who demonstrate, over a reasonable period of
32 time, an unwillingness to permanently hire recipients
33 who have participated in subsidized employment with
34 that employer.

35 (k) *Recipients in counties approved to participate in*
36 *this demonstration project shall be given the option of*
37 *participating in community service pursuant to Section*
38 *11322.95 in lieu of subsidized employment as provided in*
39 *this section.*

1 *(l) Earnings from the subsidized employment*
2 *authorized under the demonstration projects approved*
3 *pursuant to this section shall not be considered in*
4 *determining eligibility for the CalWORKs program, but*
5 *shall be considered in determining the CalWORKs grant*
6 *amount.*

7 *(m) For purposes of this section, ‘subsidized*
8 *employment’ means only that subsidized employment*
9 *authorized pursuant to the demonstration projects*
10 *established pursuant to this section.*

11 ~~*(t)–*~~

12 *(n) The department shall determine the duration of*
13 *this demonstration project.*

14 *(o) The director shall evaluate the demonstration*
15 *projects established pursuant to this section. Costs of the*
16 *evaluation shall be paid by the state from federal funds*
17 *provided through the federal Temporary Assistance for*
18 *Needy Families block grant. The evaluation shall, at a*
19 *minimum, assess all of the following:*

20 *(1) The change in income for participating families*
21 *during their participation in the project.*

22 *(2) Participation patterns, including length of time in*
23 *a subsidized employment position, rates of successful*
24 *completion, and reasons for failure to complete the*
25 *assigned term.*

26 *(3) Employment, earnings, and income patterns*
27 *following participation in the subsidized employment*
28 *project.*

29 *(p) Subsidized employment under this section shall be*
30 *counted as welfare-to-work activities under Section*
31 *11322.8, and shall be deemed to be grant-based on-the-job*
32 *training for purposes of Section 11322.6.*

33 SEC. 3. Section 11324.8 of the Welfare and Institutions
34 Code is amended to read:

35 11324.8. (a) At the time an individual applies for aid
36 under this chapter, or at the time a recipient’s eligibility
37 for aid is determined, the county shall do all of the
38 following:

1 (1) Provide the individual, in writing and orally as
2 necessary, with at least the following program
3 information:

4 (A) A general description of the education,
5 employment, and training opportunities and the
6 supportive services available, including transitional
7 benefits.

8 (B) A description of the exemptions from required
9 participation provided under this article and the
10 consequences of a refusal to participate in program
11 components, if not exempt.

12 (C) A description of the responsibility of the
13 participant to cooperate in establishing paternity and
14 enforcing child support obligations, and to assist
15 individuals in establishing paternity and obtaining child
16 support as a condition of eligibility.

17 (D) A description of the right to contest the terms of
18 a welfare-to-work plan, as described in subdivision (d).

19 (2) Determine whether the individual is required to
20 participate in the program provided under this article.

21 (b) At the time an individual is required to participate
22 pursuant to this article, he or she shall receive a written
23 preliminary determination that he or she is a member of
24 a targeted group, for purposes of any applicable and
25 operative federal Targeted Jobs Tax Credit and California
26 Jobs Tax Credit.

27 (c) Persons not required to participate may volunteer
28 to participate.

29 (d) An applicant for, or a recipient of, aid who is
30 dissatisfied with the provisions of the welfare-to-work
31 plan may seek redress through the independent
32 assessment process, as described in subdivision (c) of
33 Section 11325.4 or the state hearing or county grievance
34 process, as described in Section 11327.8.

35 SEC. 4. Section 11325.21 of the Welfare and
36 Institutions Code is amended to read:

37 11325.21. (a) Any individual who is required to
38 participate in welfare-to-work activities pursuant to this
39 article shall enter into a written welfare-to-work plan
40 with the county welfare department after assessment as

1 required by subdivision (b) of Section 11320.1, except as
2 provided for in Section 11320.3. The plan shall include the
3 activities and services that will move the individual into
4 employment.

5 (b) The county shall allow the participant three
6 working days after completion of the plan or subsequent
7 amendments to the plan in which to evaluate and request
8 changes to the terms of the plan.

9 (c) The plan shall be written in clear and
10 understandable language, and have a simple and
11 easy-to-read format.

12 (d) The plan shall contain at least all of the following
13 general information:

14 (1) A general description of the program provided for
15 in this article, including available program components
16 and supportive services.

17 (2) A general description of the rights, duties, and
18 responsibilities of program participants, including a list of
19 the exemptions from the required participation under
20 this article, the consequences of a refusal to participate in
21 program components, and criteria for successful
22 completion of the program.

23 (3) A description of the grace period required in
24 paragraph (5) of subdivision (b) of Section 11325.22 and
25 of the right to evaluate and request changes in the terms
26 of the plan within three working days, as provided in
27 subdivision (b).

28 (4) A description of the right to contest the terms of
29 the welfare-to-work plan through an independent
30 assessment, as provided in Section 11325.4, and by the
31 state hearing or county grievance process, as described in
32 Section 11327.8.

33 (e) The plan shall specify, and shall be amended to
34 reflect changes in, the participant's welfare-to-work
35 activity, a description of services to be provided in
36 accordance with Sections 11322.6, and 11322.8 as needed,
37 and specific requirements for successful completion of
38 assigned activities including required hours of
39 participation.

1 The plan shall also include a general description of
2 supportive services pursuant to Section 11323.2 that are
3 to be provided as necessary for the participant to
4 complete assigned program activities.

5 (f) Any assignment to a program component shall be
6 reflected in the plan or an amendment to the plan. The
7 participant shall maintain satisfactory progress toward
8 employment through the methods set forth in the plan,
9 and the county shall provide the services pursuant to
10 Section 11323.2.

11 (g) This section shall not apply to individuals subject
12 to Article 3.5 (commencing with Section 11331) during
13 the time that article is operative.

14 SEC. 5. Section 11325.23 of the Welfare and
15 Institutions Code is amended to read:

16 11325.23. (a) (1) Except as provided in paragraph
17 (2), any student who, at the time he or she is required to
18 participate under this article pursuant to Section 11320.3,
19 is enrolled in any undergraduate degree or certificate
20 program that leads to employment may continue in that
21 program within the time period specified in subdivisions
22 (a) and (d) of Section 11454 if he or she is making
23 satisfactory progress in that program, the county
24 determines that continuing in the program is likely to
25 lead to self-supporting employment for that recipient,
26 and the welfare-to-work plan reflects that determination.

27 (2) Any individual who possesses a baccalaureate
28 degree shall not be eligible to participate under this
29 section unless the individual is pursuing a California
30 regular classroom teaching credential in a college or
31 university with an approved teacher credential
32 preparation program.

33 (3) (A) Subject to the limitation provided in
34 subdivision (f), a program shall be determined to lead to
35 employment if it is on a list of programs that the county
36 welfare department and local education agencies or
37 providers agree lead to employment. The list shall be
38 agreed to annually, with the first list completed no later
39 than January 31, 1998. By January 1, 2000, all educational
40 providers shall report data regarding programs on the list

1 for the purposes of the report card established under
2 Section 15037.1 of the Unemployment Insurance Code for
3 the programs to remain on the list.

4 (B) For students not in a program on the list prepared
5 under subparagraph (A), the county shall determine if
6 the program leads to employment. The recipient shall be
7 allowed to continue in the program within the time
8 period specified in subdivisions (a) and (d) of Section
9 11454 if the recipient demonstrates to the county that the
10 program will lead to self-supporting employment for that
11 recipient and the documentation is included in the
12 welfare-to-work plan.

13 (C) If participation in educational or vocational
14 training, as determined by the number of hours required
15 for attendance at or preparation for classroom,
16 laboratory, or internship activities, is not at least 32 hours,
17 the county shall require concurrent participation in work
18 activities pursuant to subdivisions (a) to (r), inclusive, of
19 Section 11322.6 and Section 11325.22. Preparation time
20 shall be presumed to be ~~two hours~~ *one hour* of study for
21 each hour of instruction, *up to a maximum of six hours per*
22 *week. The maximum preparation time may be increased*
23 *by the department through regulation after January 1,*
24 *2002, depending upon its assessment of whether the*
25 *existing limit promotes success in participants' education*
26 *programs and self-supporting employment.*

27 (D) If an individual is enrolled in an education or
28 training program at the time he or she is required to
29 participate under this article and the county determines
30 that the individual's welfare-to-work plan should contain
31 other activities instead of the education or training
32 program, the county shall notify the individual in writing
33 of its determination and inform the individual of the right
34 to appeal the decision pursuant to any available
35 procedure, ~~including the right to a third party assessment~~
36 ~~under subdivision (e) of Section 11325.4.~~ This subdivision
37 is declaratory of existing law.

38 (b) Participation in the self-initiated education or
39 vocational training program shall be reflected in the
40 welfare-to-work plan required by Section 11325.21. The

1 welfare-to-work plan shall provide that whenever an
2 individual ceases to participate in, refuses to attend
3 regularly, or does not maintain satisfactory progress in the
4 self-initiated program, the individual shall participate
5 under this article in accordance with Section 11325.22.

6 (c) Any person whose previously approved
7 self-initiated education or training program is
8 interrupted for reasons that meet the good cause criteria
9 specified in subdivision (f) of Section 11320.3 may resume
10 participation in the same program if the participant
11 maintained good standing in the program while
12 participating and the self-initiated program continues to
13 meet the approval criteria. The county shall adjust the
14 completion date of the program, accounting for the time
15 of absence to allow the participant a cumulative
16 timeframe outlined in subdivision (a).

17 (d) Supportive services reimbursement shall be
18 provided for any participant in a self-initiated training or
19 education program approved under this subdivision. This
20 reimbursement shall be provided if no other source of
21 funding for those costs is available. Any offset to
22 supportive services payments shall be made in
23 accordance with subdivision (e) of Section 11323.4.

24 (e) Any student who, at the time he or she is required
25 to participate under this article pursuant to Section
26 11320.3, has been enrolled and is making satisfactory
27 progress in a degree or certificate program, but does not
28 meet the criteria set forth in subdivision (a), shall have
29 until the beginning of the next educational semester or
30 quarter break to continue his or her educational program
31 if he or she continues to make satisfactory progress. At the
32 time the educational break occurs, the individual is
33 required to participate pursuant to Section 11320.1. The
34 time spent in the educational program shall count
35 towards the time limits and community service
36 requirements established for recipients in Sections
37 11320.1 and 11454. A recipient not expected to complete
38 the program by the next break may continue his or her
39 education under the timelines in subdivision (a),
40 provided he or she transfers at the end of the current

1 quarter or semester to a program that qualifies under that
2 subdivision, the county determines that participation is
3 likely to lead to self-supporting employment of the
4 recipient, and the welfare-to-work plan reflects that
5 determination.

6 (f) Any degree, certificate, or vocational program
7 offered by a private postsecondary training provider shall
8 not be approved under this section unless the program is
9 either approved or exempted by the appropriate state
10 regulatory agency and the program is in compliance with
11 all other provisions of law.

12 SEC. 6. Section 11454 of the Welfare and Institutions
13 Code is amended to read:

14 11454. (a) (1) Except as otherwise provided in this
15 chapter and in paragraph (2), a parent or caretaker
16 relative shall not be eligible to receive aid for a
17 cumulative period of more than 18 months after the
18 individual signs, or refuses, without good cause, to sign a
19 welfare-to-work plan, unless it is certified by the county
20 that there is no job currently available for the recipient
21 and the recipient participates in community service
22 activities, pursuant to Section 11322.9, or *the recipient*
23 *participates* in subsidized employment *in an approved*
24 *demonstration project* pursuant to Section 11322.95.

25 (2) A parent or caretaker relative recipient who is
26 subject to the requirements of paragraph (2) of
27 subdivision (c) of Section 10532 shall not be eligible to
28 receive aid under this chapter for a cumulative period of
29 more than 24 months, unless it is certified by the county
30 that there is no job currently available for the recipient
31 and the recipient participates in community service
32 activities pursuant to Section 11322.9, or *the recipient*
33 *participates* in subsidized employment *in an approved*
34 *demonstration project* pursuant to Section 11322.95.

35 (3) For purposes of this subdivision, a job shall not be
36 considered to be currently available if a recipient has
37 taken and continues to take all steps to apply for
38 appropriate positions and has not refused an offer of
39 employment without good cause.

(4) A parent or caretaker relative recipient to whom paragraph (1) or (2) applies, who is in a job for less than the number of hours required by Section 11322.8, and for whom no job is currently available for the required number of hours, shall remain eligible for aid under this chapter and shall participate in community service activities for the additional number of hours necessary to meet the requirements of Section 11322.8.

(b) A parent or caretaker relative shall not be eligible for aid under this chapter when he or she has received aid under this chapter or from any state under the Temporary Assistance for Needy Families program (Part A (commencing with Section 401) of Title IV of the federal Social Security Act (42 U.S.C. Sec. 601 et seq.) for a cumulative total of 60 months.

(c) No month in which aid has been received prior to January 1, 1998, shall be taken into consideration in computing the 18-month, 24-month, or 60-month limitation provided for in subdivision (a) or (b).

(d) Each county shall adopt criteria for extending the 18-month limitation prescribed by subdivision (a) for up to six months if the extension is likely to result in unsubsidized employment or if local unemployment rates or other conditions in the local economy are such that employment is not available.

(e) Subdivision (b) shall not be applicable when all parent or caretaker relatives of the aided child who are living in the home of the child meet any of the following requirements:

(1) They are 60 years of age or older.

(2) They meet one of the conditions specified in paragraph (4) or (5) of subdivision (b) of Section 11320.3.

(3) They are not included in the assistance unit.

(4) They are receiving benefits under Section 12200 or Section 12300, State Disability Insurance benefits or Workers' Compensation Temporary Disability Insurance, if the disability significantly impairs the recipient's ability to be regularly employed or participate in welfare-to-work activities.

(5) They are incapable of maintaining employment or participating in welfare-to-work activities, as determined by the county, based on the assessment of the individual and the individual has a history of participation and full cooperation in welfare-to-work activities.

~~SEC. 7. Section 11477.02 of the Welfare and Institutions Code is amended to read:~~

~~11477.02. Prior to referral of any individual or recipient, or that person's case, to the district attorney for child support services under Section 11350.1 or 11475.1, the county welfare department shall determine if an applicant, recipient, or former recipient with welfare arrearages has good cause for noncooperation, as set forth in Section 11477.04. If the applicant or recipient claims a good cause exception at any subsequent time to the county welfare department or the district attorney, the district attorney shall suspend child support services until the county welfare department determines the good cause claim, as set forth in Section 11477.04. If good cause is determined to exist, the district attorney shall suspend child support services until the applicant or recipient requests their resumption, and shall take such other measures as are necessary to protect the applicant or recipient and the children. If the applicant, recipient, or former recipient with welfare arrearages is the parent of the child for whom aid is sought and the parent is found to have not cooperated without good cause as provided in Section 11477.04, the applicant's or recipient's family grant shall be reduced by 25 percent for such time as the failure to cooperate lasts.~~

SEC. 7. Section 11477.03 is added to the Welfare and Institutions Code, to read:

11477.03. (a) Prior to referral of any individual or recipient, or that person's case, to the district attorney for child support services under Section 11350.1 or 11475.1, the county welfare department shall determine if a former recipient with welfare arrearages has good cause for noncooperation, as set forth in Section 11477.04.

(b) In circumstances to which subdivision (a) applies, Section 11477.02 shall apply.

1 SEC. 8. Section 18242 of the Welfare and Institutions
2 Code is amended to read:

3 18242. (a) Upon application by a county board of
4 supervisors, the department may approve up to three
5 demonstration projects to test models of child support
6 assurance. The projects shall either test different models
7 of child support assurance or may test the same model if
8 counties in which the same model is tested involve
9 counties with different demographics.

10 (b) The department may approve joint projects by
11 two or more counties if both of the following apply:

12 (1) The equity of access to the project and its related
13 services is ensured to all participants.

14 (2) The project includes appropriate operational and
15 fiscal arrangements between the counties submitting the
16 joint project.

17 (c) If the department approves a joint project by two
18 or more counties, that joint project shall constitute one of
19 the projects authorized by subdivision (a).

20 (d) It is the intent of the Legislature that the purpose
21 of the demonstration projects authorized by this article is
22 to test child support assurance models as alternatives to
23 welfare under which families with earnings and a child
24 support order receive a guaranteed child support
25 payment, in lieu of a grant under the CalWORKs
26 program, from funds continuously appropriated for the
27 CalWORKs program.

28 (e) A county may limit the number of families that will
29 be permitted to enroll in its child support assurance
30 demonstration program.

31 SEC. 9. Section 18243 of the Welfare and Institutions
32 Code is amended to read:

33 18243. The department shall develop research
34 designs to ensure thorough evaluations of the child
35 support assurance demonstration projects that shall
36 include, but not be limited to, the impact of the project
37 on work participation rates of custodial parents,
38 household incomes and family well-being, CalWORKs
39 participation rates and costs, rates of paternity and child

1 support order establishment, and any other relevant
2 information the director may require.

3 SEC. 10. Section 18246 of the Welfare and Institutions
4 Code is repealed.

5 SEC. 11. Section 18247 of the Welfare and Institutions
6 Code is amended to read:

7 18247. (a) The state share of child support assurance
8 payments under this article shall be paid in accordance
9 with Section 15200.

10 (b) The department shall, to the extent possible,
11 ensure that no funding streams will be utilized to pay for
12 child support assurance payments if the use of the
13 funding streams would cause participants to be subject to
14 the limitations of Section 11454 or any similar limitation.

15 (c) The county administrative cost for the operation of
16 a child support assurance program shall be paid from the
17 county's allocation provided under Sections 15204.2 and
18 15204.3.

19 SEC. 12. It is the intent of the Legislature that the
20 State Department of Social Services implement the
21 amendments made by this act to Sections 11320.1, 11322.6,
22 11322.8, 11322.9, 11324.8, 11325.21, 11325.23, 11454, and
23 11477.02 of the Welfare and Institutions Code to the
24 extent funding is made available pursuant to the Budget
25 Act or any other act.

26 SEC. 13. Notwithstanding Section 17610 of the
27 Government Code, if the Commission on State Mandates
28 determines that this act contains costs mandated by the
29 state, reimbursement to local agencies and school
30 districts for those costs shall be made pursuant to Part 7
31 (commencing with Section 17500) of Division 4 of Title
32 2 of the Government Code. If the statewide cost of the
33 claim for reimbursement does not exceed one million
34 dollars (\$1,000,000), reimbursement shall be made from
35 the State Mandates Claims Fund.

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